



CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, November 16, 2017 4:30 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

1. VISITORS/CITIZENS FORUM:

Any person with business not scheduled on the agenda is encouraged to briefly speak to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

2. CONSENT AGENDA:

All items listed below on the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of the minutes from the October 19, 2017 meeting. **Pg. 2**

3. PUBLIC HEARING, CONSIDERATION & ACTION

3A. **Public Hearing & Action, CUP & Resolution** – Public hearing, consideration, and action concerning a request for a conditional use permit to convert a small office complex into a quad-plex multi-family housing unit in accordance to Chapter I, "The City of Kerrville Zoning Code" Article 11-1-10 (Residential Zoning Districts) for an approximate 0.23 acre tract. Legal description Oak Hill 1 Subdivision, Lot 4-PT & 5, Block 1, located at 714 Clay Street North; on the northeast side of Barnett Street North, between Barnett Street North and Myrta Street North. (File No. 2017-072)

Pg. 5

3B. **Public Hearing & Action, Text Amendment** – Public hearing, consideration and action concerning a text amendment adding a statement to Art. 11-1-6 (a) (11) Central Business District (CBD); Art. 11-1-11 (b) "GTW" Gateway District, and Art. 11-1-11 (c) "GR" Guadalupe River District, to clarify that these districts are designated "design districts"; and a text amendment of Ordinance No. 2003-35, by adding provisions for cellular network nodes and related facilities (File No. 2017-076) **Pg. 10**

4. STAFF REPORTS

5. ADJOURNMENT

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: November 10, 2017 at 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 2A Minutes October 19, 2017 Commission meeting
Action: Approval, approval with specific changes
Representative: Staff

Proposal

Review and approval of the minutes from the October 19, 2017 meeting.

**CITY OF KERRVILLE, TEXAS
2017
PLANNING AND ZONING COMMISSION**

October 19,

MEMBERS PRESENT:

Bob Waller, Chairman
Garrett Harmon, Vice-Chair
Don Barnett, Commissioner
Michael Sigerman, Commissioner
Rustin Zuber, Commissioner
David Jones, Alternate (*sitting in for Cmr. Sigerman*)
Marty Lenard, Alternate (*sitting in for Cmr. Waller*)

STAFF PRESENT:

Sabine Kuenzel, Interim Executive Director of Development Services
EA Hoppe, Deputy City Manager
Mike Hayes, City Attorney
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On October 19, 2017, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

1. VISITORS/CITIZENS FORUM:

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

Ms. Nelwin Sadler, 604 Tivy Street, requested the Commission to grant a leniency to the setbacks rule. She understands the setbacks rule is six feet (6'), but her current garage is at a setback of three feet (3'). She is trying to get a carport built and was told it would not be able to be built unless it had a six foot (6') setback. Ms. Sadler offered pictures to the Commission, however, Cmr. Waller stated this is not an item they can take action on at this time and explained there is a certain process Ms. Sadler will need to go through. Mr. Waller stated Ms. Sadler would need to submit an application for a variance that would go before the Zoning Board of Adjustment. She also stated she had previously met with Ms. Kuenzel regarding the variance and was told that she would most likely not qualify for the variance due to not having a defined hardship; however, Ms. Sadler is welcome to proceed through the variance process as the final decision would be made by the Zoning Board. If Ms. Sadler wanted to pursue the route of changing the zoning instead, then the case would go before the Planning and Zoning Commission. Ms. Sadler asked the Commission to consider grandfathering the setbacks in older neighborhoods.

2. CONSENT AGENDA:

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of the minutes from the October 5, 2017 meeting.

Cmr. Harmon moved to approve the minutes as amended. Motion was seconded by Cmr. Barnett and passed 5-0.

3. PUBLIC HEARING, CONSIDERATION & ACTION

3A. **Public Hearing & Action, CUP & Resolution** – Public hearing, consideration, and action of resolution concerning a requested conditional use permit for a new 7,584 square foot O'Reilly Auto Parts Store for the purpose of the retail sale of auto parts on an approximate 0.91 acre tract. Legal description being a tract of land situated in the John C. Sheffield Survey, Abstract No. 281, City of Kerrville, Kerr County, Texas, being all of a tract of land conveyed to Robert L. Harder by Special Warranty Deed recorded in Volume 1227, Page 229, Deed Records of Kerr County, Texas, located at 1327 Junction Highway. (File No. 2017-053)

Ms. Kuenzel presented the case and asked Commissioners to render a decision.

Cmr. Waller opened the public hearing at 4:45 p.m.

Mr. Fred Henneke, 840 Earl Garrett Street, spoke. Mr. Henneke is representing Barry and Victoria Fong, owners of the property where Starbucks is located. Mr. Henneke expressed several concerns regarding the proposed O'Reilly's Auto Parts store. A letter was previously submitted by Mr. Henneke to Mrs. Miller for the Commission's review. Molly Robb with Anderson Engineering, civil consultants for O'Reilly's, addressed Mr. Henneke's concerns and agreed to submit the pages referenced that were missing from the agenda packet as well as a level one (1) environment study.

Hearing no one else speak, Cmr. Waller closed the public hearing at 5:18 p.m.

Cmr. Harmon moved to approve the conditional use permit with the following conditions: 1) environmental phase one (1) study on site be submitted and kept on file with the city; 2) no oil changes or other environmentally hazardous services be performed on site; 3) the dumpster enclosure be a masonry enclosure that matches the masonry on the building; 4) the exterior elevations provided by the owner be attached to the CUP. Motion was seconded by Cmr. Barnett and passed 5-0.

3B. **Public Hearing & Action, Variance** – Public hearing, consideration and action concerning a request for a variances to allow reinstallation of fourteen (14) Peterson Health campus flagpole banners

in accordance with Article II – Signs, Section 6-37. – Prohibited Signs, of the Code of Ordinance, City of Kerrville, Texas, located at 551 Hill Country Drive South. (File No. 2017-066)

Ms. Kuenzel presented the case and asked Commissioners to render a decision.
Cmr. Waller opened the public hearing at 5:42 p.m.

Mr. Patrick Murray, representative for Peterson Regional Memorial Hospital, spoke. Mr. Murray is requesting an approved variance to the City of Kerrville's sign code to allow reinstallation of fourteen (14) Peterson Health campus flagpole banners which were originally installed on their private property in January 2016. These banners hung for over ten (10) months until they were asked to remove them by the City of Kerrville in November of 2016. The inspirational message on the banners, spread across two campuses were specially designed for individuals parking in Peterson Health parking lots – their employees, patients, and community members. The following four inspirational messages were printed on the banners: Improving Lives, Raising Families, Lifting Spirits, and Inspiring Others. All were securely anchored to their campus light poles and strategically spaced at Peterson Regional Medical Center and the Ambulatory Care Center. They are not designed nor intended to serve as advertisements to vehicular traffic on Hill Country Drive or Cully Drive.

Hearing no one else speak, Cmr. Waller closed the public hearing at 6:05 p.m.

Cmr. Barnett moved to approve the variance for the fourteen (14) signs under the community service exemption clause and instruct the City to begin the process of looking at amending the sign ordinance to deal with this issue. Motion was seconded by Cmr. Harmon and passed 5-0.

4. STAFF REPORTS

Ms. Kuenzel stated there are no staff reports at this time.

5. ADJOURNMENT

This meeting was adjourned at 6:10 p.m.



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 3A
Action: Public Hearing, Consideration and Action
Planning File #: 2017-072
Representative: Jeremy Itz
Legal Description: A tract of land situated in Oak Hill, Blk. 1, Lot 4-PT & 5, located at 714 Clay Street North.

Proposal

A conditional use permit to allow the conversion of a small office complex to a multi-family housing unit.

Analysis

Adjacent Zoning and Land Uses

Current Zoning: Residential Transition District (RT)

Current Land Uses: Office Space

Direction: South

Current Zoning: C11 Central City District

Current Land Uses: Non-industrial commercial development

Direction: East

Current Zoning: RT Residential Transition District

Current Land Uses: Church, child care

Direction: West

Current Zoning: R1A Residential District

Current Land Uses: Single family residential

Direction: North

Current Zoning: RT Residential Transition District

Current Land Uses: Single residential residence, offices, church, multi-family dwelling

Thoroughfare: Sidney Baker Street (Highway 16)

Parking Information:

Access: Access will be exclusively off of Clay Street via a 10' access drive.

Zoning Ordinance Review Criteria – Zoning Ordinance Art. 11-1-10 Section (b)(1)

1. Compatibility with stated purpose of the zoning district

The property's zoning classification primarily permits residential uses with several limited (small scale) commercial uses, office, and higher density residential uses. Bed and Breakfast, Manufacturing-Custom, Personal Services I and Personal Services-Limited, Professional Offices, Restaurant, General and Limited would be permitted without a conditional use permit.

LAND USES	R-1	R-1A	R-3	RC	RM	RT
Agricultural - General						
Agricultural Service						
Bed and Breakfast	C	C	P	C	C	P
Building Construction, General						
Building Construction, Specialist						
Business Services I						
Business Services II						
Cocktail Lounge						
Detention Facilities						
Dwelling , Single Family, Detached	P	P	P	P	P	P
Manufactured Home or Manufactured Housing					P	
Dwelling, Multiple Family			P			C
Dwelling, Single Family with apartment	C	P	P	C	P	C
Dwelling, RC District Uses (with plat)		P	P	P	P	
Education, Secondary and College						C
Education, Primary	C	C	P	C	C	C
Equipment Sales/Repair/Storage (Heavy)						
Fuel Sales						
Funeral Services						
Institutional and Public Use Facilities						
Life Care Development			C			C
Manufacturing, Custom						P
Manufacturing and Industrial, Heavy						
Manufacturing and Industrial, Limited						
Manufactured Housing Sales						
Personal Services I						P
Personal Services II						
Personal Services-Limited						P
Professional Offices						P
Restaurant, General						P
Restaurant, Limited						P
Retail Trade – I						
Retail Trade – II						
Retail Trade – III						
Retail Trade – Limited						P
Tourist/Visitor & Recreation Service						C
Transportation Terminal (Bus/Aviation)						
Vehicle Maintenance and Repair						
Vehicle Sales/Service-Used						
Vehicle Sales/Services – New						
Warehousing & Distribution						

2. Compatible with surrounding uses:

The requested conditional use permit will have little impact on the surrounding properties. The majority of the surrounding properties have comparable uses in terms of impact. The existing zoning district and

proposed conditional use are consistent with the surrounding area. The area has been established as a Residential Transition District. The surrounding area will be impacted minimally due to the proposed use.

3. Vehicle and pedestrian safety:

The proposed conditional use will not increase traffic more than traffic already generated by existing uses, nor alter traffic patterns.

A public sidewalk was installed along the frontage of the property in compliance with City public sidewalk requirements at the time the site was developed.

4. Limit drainage and erosion impacts:

No additional impervious cover is proposed.

5. Nuisance prevention:

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

6. Preservation of significant terrain features:

No physical changes to the site are proposed.

7. Other Considerations

The City's Development Review Committee has reviewed a development site plan and identified no significant issues for consideration by the Commission.

Procedural Requirements

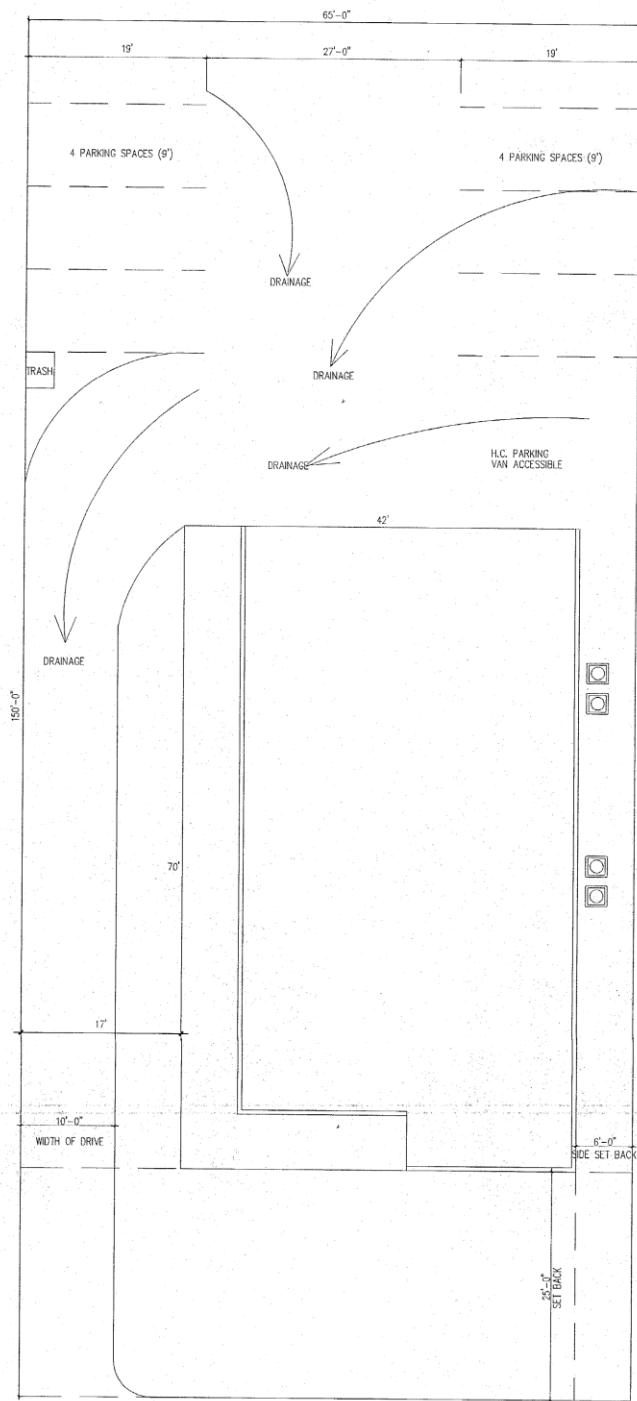
This public hearing date was published in the Kerrville Daily Times, the FY2018 City of Kerrville official newspaper of general circulation. Additionally, notice of this meeting was posted at city hall and on the city's internet website in accordance with Section 551.043(a) of the Texas Government Code.

Staff Recommendation:

Approval

Attachments:

Illustration



714 CLAY ST.

SHEET:	DATE: 10/13/2017	DESIGN BY WOMEN LINDA COFFEE	JEREMY ITZ JOB LOCATION: 714 CLAY STREET KERRVILLE, TEXAS	RE-PURPOSE EXISTING OFFICE INTO 3 TWO BEDROOM APARTMENTS	EXISTING PLAT PLAN
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City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 3B
Planning File #: 2017-076
Hearing Date: November 16, 2017
Subject: Public hearing, consideration, and action regarding a text amendment to the City of Kerrville Zoning Ordinance, identifying design districts

The purpose of this proposed text amendment is to clarify that the following districts are intended to be “design districts”:

- 1) Guadalupe River District (GR)
- 2) Central Business District (CBD)
- 3) Gateway District (GTW)

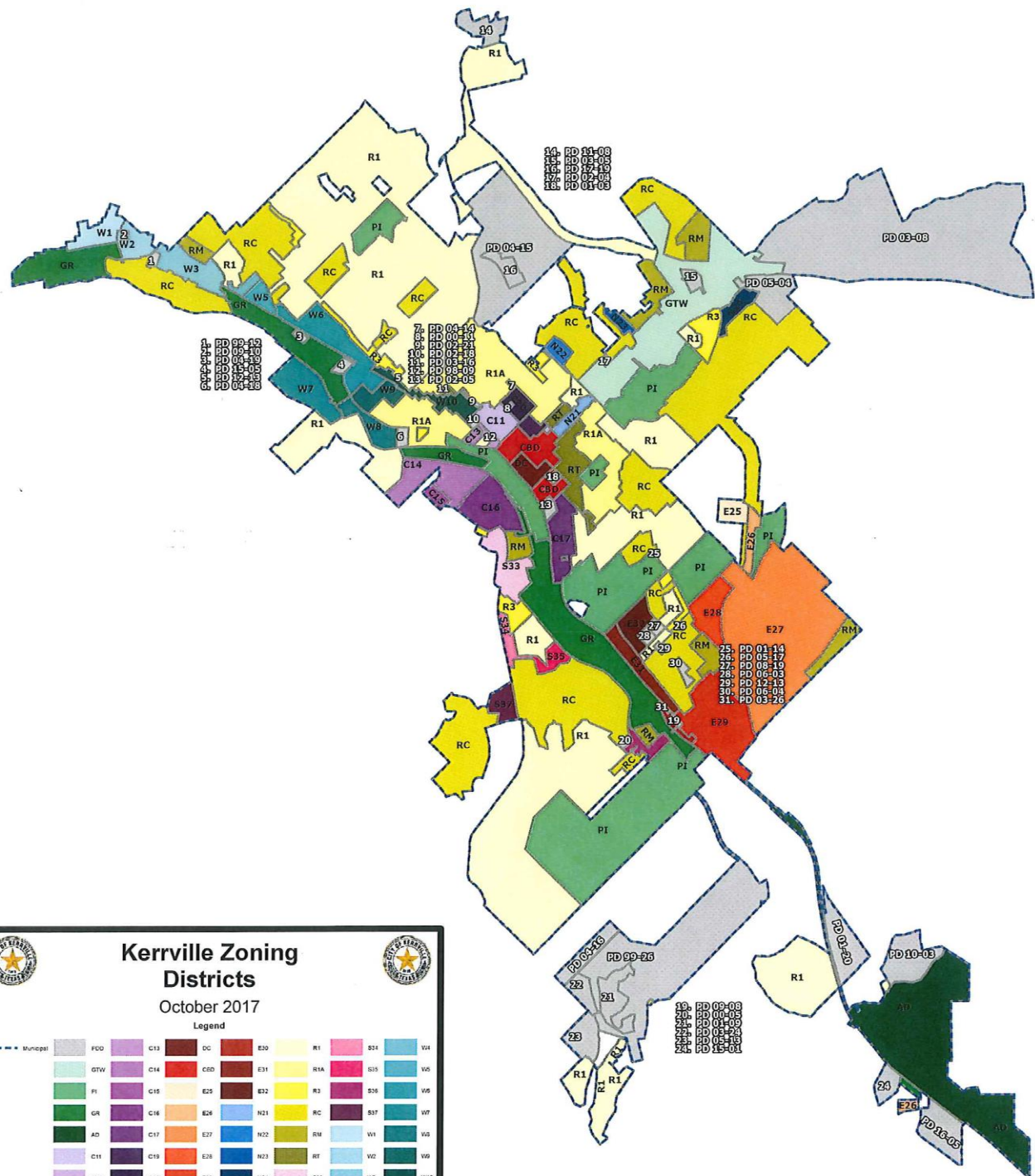
Recent changes in the Texas Legislature allow cities to adopt design regulations within “design districts” as they relate to telecommunication network nodes and poles, but limits municipal authority to do that to areas that a city has designated as “design districts”. The City’s intention in creating these districts was to identify these areas of the City of Kerrville as unique to their respective characters.

On September 21 and October 5 of this year, the Commission received and discussed an overview of the City’s current Wireless Telecommunications Facilities ordinance, the federal and statutory context, and our options.

This is the first step in preparing the City to better respond to requests for network nodes and poles as they come into the City for permitting. As we proceed with Comprehensive Plan discussions regarding the future goals for the City, we will further explore additional details and options regarding design regulations.

Attachments:

Zoning map



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.